

## **EXHIBIT 5**



Pepsi-Cola Bottling Company of New York, Inc.

Joseph Klingler  
Senior Vice President

August 14, 2020

**VIA FIRST CLASS MAIL AND E-MAIL (jweinberger@scohnlaw.com)**

Brook Beverage, Inc.  
Attention: Maria Eliseo  
c/o Jeffrey H. Weinberger, Esq.  
Law Office of Steven Cohn, P.C.  
One Old Country Road, Suite 420  
Carle Place, NY 11514

**Re: Brook Beverage, Inc. ("Distributor")**

Dear Ms. Eliseo,

Before addressing business matters, on behalf of all of us at Pepsi, I want to express our sincerest sympathies on Joe's passing and extend to you and your family our condolences.

I am writing today on behalf of Pepsi-Cola Bottling Company of New York, Inc. ("Company") concerning the status of certain items relating to Distributor. The Company requests that you send me a letter within the next 10 days that informs us of : (1) the identity and contact information of the Executor of the Estate (or Administrator in the case of an intestacy), (2) the identity and contact information of the Beneficiary of the shares of Distributor, and (3) the identity and contact information of counsel for the Estate, if any.

Finally, please note that Section 16 of the distributor agreement ("Agreement") between the Company and Distributor, provides that "no sale or transfer of stock of Distributor shall be made without the written consent of the Company." Therefore, any proposed transfer by Distributor under the Agreement must be approved by the Company in writing in accordance with the Company's established transfer process.

If there are any further questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Joe Klingler', is written over a horizontal line. Below the signature, the name 'Joseph Klingler' and title 'Senior Vice President' are printed.

Joseph Klingler  
Senior Vice President

cc: Via Electronic Mail:

Reginald Goins  
Lewis Gantman, Esq.  
Andrew GraBois, Esq.

Scott Allmers  
Joe Hayes  
New York Pepsi-Cola Distributors Association

Katie Weitzman, Esq.  
Freddy Arce